

want to stay focused on the lobbying bill, which we can finish if we get cloture.

Mr. President, I see the time has come for the vote.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a free-standing bill, with a time limit of 2 hours equally divided, no amendments in order; and that upon the use or yielding back of the time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, again, this looks like another effort to delay and postpone. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

Pending:

Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.

Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996-2001, may own, lease, operate, or manage real property or facility at a United States port.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, Christopher Bond.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—51

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—47

Akaka	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Talent
Dorgan	Lincoln	Vitter
Durbin	Menendez	Wyden
Feingold	Mikulski	

NOT VOTING—2

Bunning Inouye

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. LEAHY. Mr. President, I filed an amendment to the bill on Tuesday and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the honest services amendment, No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Jack Abramoff, Michael Scanlon, and former Representative Randy "Duke" Cunningham that Congress took note of the scandal that has grown over the last years. If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes \$25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad ranging impact. These scandals undermine the public's confidence in our Government. Just last week, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal, we will do so.